

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

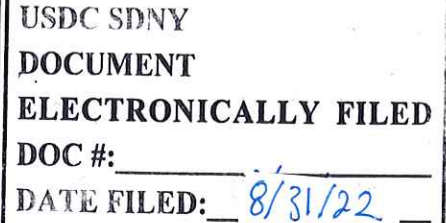
v.

CARLOS VASQUEZ,

Defendant.

20-CR-619 (KMW)

ORDER



KIMBA M. WOOD, District Judge:

The Court seeks clarification of the parties' positions with the following issues with respect to the sentencing of Carlos Vasquez.

**For the government:** please state in what circumstances, in general, the government takes the position that a shooting that results in a victim's injury constitutes attempted murder. Please cite any authorities on the issue.

**For Defense Counsel:** in both your April 22, 2022, and May 24, 2022, letters to the Court, you take the position that defendant has not been identified as the shooter. If you continue to contend that defendant is not the shooter, the court will schedule a *Fatico* hearing. If you no longer so contend, please state that to the Court.

If defense counsel knows of any authorities for its position that defendant should not be sentenced for attempted murder pursuant to U.S.S.G. § 2A2.1(a)(1), please supply them to the Court.

By September 7, 2022, counsel shall inform the Court of the position each takes with respect to these issues.

SO ORDERED.

Dated: New York, New York  
August 31, 2022



---

THE HON. KIMBA M. WOOD  
United States District Judge